

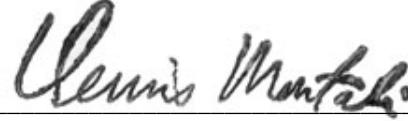
Entered on Docket

July 05, 2018

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Signed and Filed: July 5, 2018




DENNIS MONTALI

U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In re) Bankruptcy Case
DEBORAH A. WALES,) No. 18-30492-DM
aka DEBI WALES,)
Debtor.) Chapter 7

)

ORDER DISAPPROVING REAFFIRMATION AGREEMENT

This matter having been duly noticed was called for hearing on July 5, 2018. Debtor appeared. For the reasons stated orally on the record, the reaffirmation agreement between Debtor and Patelco Credit Union ("Creditor") with regard to a 2012 Honda Accord is DISAPPROVED.

Nevertheless, Debtor here indicated a willingness to enter into a reaffirmation agreement with Creditor, and this case is thus distinguishable from *In re Dumont*, 581 F.3d 1004 (9th Cir. 2009), where the debtor expressly elected not to reaffirm the debt and simply indicated an intent to retain the collateral while making monthly payments.¹ If the Creditor chooses to repossess

¹ In 2005, Congress amended 11 U.S.C. §§ 521(a)(2) and (6), as well as § 362(h), to provide that the automatic stay is lifted if an individual chapter 7 debtor does not indicate an intention to surrender or redeem collateral or reaffirm the debt. Chapter 7

1 the collateral despite Debtor's willingness to enter the
2 reaffirmation agreement and Debtor's timely performance of the
3 payment obligations on the underlying debt, Debtor may ask the
4 court for injunctive or other relief.

** END OF ORDER **

6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

28 individual debtors cannot simply opt to "pay and drive." *Dumont*,
581 F.3d at 1104.

ORDER DISAPPROVING REAFFIRMATION
AGREEMENT FOLLOWING HEARING

Court Service List

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Patelco Credit Union
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5050 Hopyard Road
Pleasanton, CA 94588

ORDER DISAPPROVING REAFFIRMATION
AGREEMENT FOLLOWING HEARING